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Attorneys for Defendant InComm Financial Services, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PEOPLE OF THE STATE OF CALIFORNIA,
acting by and through San Francisco City Attorney
DAVID CHIU

Plaintiff,

vs.

INCOMM FINANCIAL SERVICES, INC.; TBBK
CARD SERVICES, INC.; SUTTON BANK;
PATHWARD N.A.; and DOES 1 through 10
Defendants.

Case No. 23-cv-06456

**DECLARATION OF JANE
METCALF IN SUPPORT OF
DEFENDANT INCOMM'S
OPPOSITION TO MOTION TO
REMAND**

DECLARATION OF JANE METCALF IN SUPPORT OF DEFENDANT INCOMM'S
OPPOSITION TO MOTION TO REMAND

1 I, Jane Metcalf, declare as follows:

2 1. I am a member in good standing of the bar of the State of New York and my pro
3 hac vice application to this Court was granted on December 15, 2023. I am a member of Patterson
4 Belknap Webb & Tyler LLP, counsel for InComm Financial Services, Inc. (“InComm”). I submit
5 this declaration in support of InComm’s Opposition to Plaintiff’s Motion to Remand.

6 2. I have personal knowledge of the facts set forth herein.

7 3. Attached hereto as **Exhibit A** is a true and correct copy of the article “Target gift
8 card scammer caught with thousands of tampered cards,” published by Fox 26 News on December
9 12, 2023, and last accessed at the URL [https://kmph.com/news/local/target-gift-card-scammer-](https://kmph.com/news/local/target-gift-card-scammer-caught-with-thousands-of-tampered-cards)
10 [caught-with-thousands-of-tampered-cards](https://kmph.com/news/local/target-gift-card-scammer-caught-with-thousands-of-tampered-cards) on February 16, 2024.

11 4. Attached hereto as **Exhibit B** is a true and correct copy of the new release “Man
12 Indicted in Coshocton County for Gift-Card Counterfeiting Scheme,” published by the Ohio
13 Attorney General’s Office on January 22, 2024, and last accessed at the URL
14 [https://www.ohioattorneygeneral.gov/Media/News-Releases/January-2024/Man-Indicted-in-](https://www.ohioattorneygeneral.gov/Media/News-Releases/January-2024/Man-Indicted-in-Coshocton-County-for-Gift-Card-Cou)
15 [Coshocton-County-for-Gift-Card-Cou](https://www.ohioattorneygeneral.gov/Media/News-Releases/January-2024/Man-Indicted-in-Coshocton-County-for-Gift-Card-Cou) on February 16, 2024.

16 5. Attached hereto as **Exhibit C** is a true and correct copy of the article “InComm
17 Receives Patent on Innovative Packaging Technique” published by PR Newswire on July 11, 2017,
18 and last accessed at the URL [https://www.prnewswire.com/news-releases/incomm-receives-](https://www.prnewswire.com/news-releases/incomm-receives-patent-on-innovative-packaging-technique-300486039.html)
19 [patent-on-innovative-packaging-technique-300486039.html](https://www.prnewswire.com/news-releases/incomm-receives-patent-on-innovative-packaging-technique-300486039.html) on February 16, 2024.

20 6. Attached hereto as **Exhibit D** is a true and correct screenshot from the website of
21 the Better Business Bureau (“BBB”), which shows the first page of complaints, number of
22 complaints closed in the last 12 months, and BBB Rating & Accreditation for InComm Financial
23 Services, Inc., last accessed at the URL [https://www.bbb.org/us/ga/columbus/profile/credit-cards-](https://www.bbb.org/us/ga/columbus/profile/credit-cards-and-plans/incomm-financial-services-inc-0743-4118/complaints)
24 [and-plans/incomm-financial-services-inc-0743-4118/complaints](https://www.bbb.org/us/ga/columbus/profile/credit-cards-and-plans/incomm-financial-services-inc-0743-4118/complaints) on February 16, 2024.

25 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
26 and correct.

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DECLARATION OF JANE METCALF IN SUPPORT OF DEFENDANT INCOMM’S
OPPOSITION TO MOTION TO REMAND

1
2 Dated: New York, New York

3 February 16, 2024
4

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6 By: 

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